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| 10/574,790 | 01/29/2007 | Vesa Laaksonen | 43289-230079 | 6502 |

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| EXAMINER | |
|---|---|
| SLAWSKI, BRIAN R | |
| **ART UNIT** | **PAPER NUMBER** |
| 1791 | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/574,790 | LAAKSONEN ET AL. | |
| | Examiner | Art Unit | |
| | BRIAN R. SLAWSKI | 1791 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *4-7* is/are pending in the application.

4a) Of the above claim(s) *6 and 7* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4 and 5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06 April 2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

**LABEL LAMINATE AND A METHOD FOR MANUFACTURING A LABEL LAMINATE**

## *Election/Restrictions*

1. Applicant's election of Group I, claims 4 and 5, drawn to a method for manufacturing a label laminate, in the reply filed May 28, 2009, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 6 and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 28, 2009.

## *Claim Rejections—35 USC §103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyohara et al. (US 2002/0022102) in view of Nandy et al. (US 2001/0030020), Steidinger (US 5,700,536) and Ghavt (GB 1,420,743).

Regarding claim 4, Kiyohara et al. teach a method for making a printable label laminate comprising a first label material layer 11 and a second label material layer 12, each of these layers having a face side and a back side, the method comprising: forming adhesive areas so that a pattern is formed in which the adhesive areas 13, 14 and non-adhesive areas 14, 16 alternate on the face side of each material layer; aligning the adhesive areas 13 on the first layer 11 with the non-adhesive areas 16 on the second layer 12 and aligning the non-adhesive areas 15 on the first layer 11 with the adhesive areas 14 on the second layer 12; and attaching the face side of the two layers 11, 12 to each other in this alignment (Abstract; Fig. 1-3; [0001, 0007-0009, 0018, 0033-0036). Kiyohara et al. teach that separate strip layers can be formed on the face sides of the label material layers 11, 12 in their non-adhesive areas 15, 16, or that, alternatively, the adhesive areas 14, 16 can be attached directly to non-adhesive areas on the label material layers 11, 12 themselves, so that each label material layer acts as a strip layer for the opposing label material layer [0037-0038].

Kiyohara et al. are silent as to the material from which the label material layers are made and the method by which the adhesive areas are printed. However, one of ordinary skill in the art would have understood from the above teachings that any conventional printable label material with modest affinity for adhesive (such that layer 11 could act as the strip layer for layer 12, and vice versa) would be suited to the method of Kiyohara et al. In particular, Nandy et al. teach that polyethylene films are commonly used as a printable label material [0001, 0002]. Nandy et al. teach making a printable label laminate by extruding from nozzle 40 a hot-melt pressure-sensitive adhesive

(PSA) onto a strip layer 50, pressing the adhesive-coated strip layer onto a polyethylene film 80 to form a label laminate, then printing images on the laminate's polyethylene film to form labels (Fig. 1; [0008, 0009, 0014, 0022]). Hence one of ordinary skill in the art would have recognized from Nandy et al. that polyethylene film would be a suitable material for the label material layers 11, 12 of Kiyohara et al., being printable and adherable to a strip layer via, e.g., a hot-melt PSA.

Nandy et al. teach extruding rather than screen-printing the hot-melt pressure-sensitive adhesive, and do not teach using a polyethylene film for the strip layer. However, Steidinger also makes a label laminate by adhering a label material layer to a strip layer with a hot-melt PSA 124, applied to either layer by a hot melt extruding or screen printing unit 38/43, noting that screen printing units as well as extruding nozzle applicators for hot-melt adhesives are well known in the art (Abstract; Fig. 6, 11; col. 3, L. 15-24; col. 4, L. 66-67; col. 5, L. 1-4, L. 7-13, L. 36-43). Similarly, Ghavt teaches that a PSA can be printed on a carrier sheet by several techniques including extrusion from nozzles and screen printing (p. 1, L. 8-12, L. 34-51; p. 2, L. 88-90, L. 98-113). Thus it would have been obvious to one of ordinary skill in the art to form the adhesive areas 13, 14 of Kiyohara et al. by screen printing a hot-melt PSA, because Nandy et al. teach that such adhesives are suitable for adhering the printable layer to the strip layer of a label laminate, while Steidinger and Ghavt teach that screen printing such adhesives is a well known functionally equivalent method to the extrusion taught by Nandy et al.

Ghavt further teaches that the carrier sheet is intended to transfer the PSA printed thereon onto the surface of one of two objects to be joined, and therefore should

have a release surface with little affinity for the adhesive. Ghavt teaches that plastic films having an inherently low degree of affinity for the adhesive, such as polyethylene, may constitute the release surface (p. 1, L. 34-66). Thus one of ordinary skill would have recognized from the teachings of Ghavt that the polyethylene film taught by Nandy et al. as a printable label material would be particularly suited for both printable layers 11, 12 of Kiyohara et al., having sufficiently modest affinity for adhesive that each of layers 11 and 12 could act as the strip layer for the other. As noted by Applicant in the instant specification (p. 3, L. 24-25), the non-adhesive areas 14, 16 of such polyethylene films applied in the method of Kiyohara et al. will inherently have surface energy of at least 25 dynes.

Regarding claim 5, Ghavt teaches in particular that a rotary screen printing method is preferred for applying regular patterns of pressure-sensitive adhesive 7 to a flexible carrier sheet 2 (p. 2, L. 88-90, L. 98-114; p. 3, L. 100-126; p. 4, L. 1-10; Fig. 1, 2), so that it would have been obvious to one of ordinary skill in the art to apply the adhesive areas 13, 14 to the label material layers 11, 12 of Kiyohara et al. using this rotary screen method.

## ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN R. SLAWSKI whose telephone number is (571)270-3855. The examiner can normally be reached on Monday to Thursday, 7:30 a.m. to 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian R. Slawski/
Examiner, Art Unit 1791

B.R.S.

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791